REMARKS

Claims 1, 6, 10-11 and 45-46 have been amended. Claim 3 has been cancelled. Claims 12-44 have been withdrawn. Claims 1-2, 4-11 and 45-46 remain for consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1-2. Applicant affirms the election of the claims of Group 1, claims 1-11, 45 and 46. Claim 3 has been cancelled. As stated in the Official Action, claims 12-44 have been withdrawn by the Examiner from further consideration in the present application.

3. The drawing of FIG. 4 currently stands objected to because FIG. 4 allegedly is missing a reference numeral.

In a telephone conversation between the Examiner and Richard H. Kosakowski on April 28, 2006, it was discussed that the allegedly missing reference numeral would be that attributed to the cord or cable that connects with the device 50 for reading the carrier medium 30. As this cord or cable is not claimed, there is no reason to modify the drawing of FIG. 4 to attach a separate reference numeral to this cord. As a result, it is respectfully requested that the objection to the drawing of FIG. 4 be removed and that the drawing of FIG. 4 be accepted.

4-5. Claims 6, 45 and 46 currently stand rejected for allegedly being indefinite.

Claims 6 and 46 have been amended to remove the alleged indefinite language.

6-7. Claims 1, 2, 6-11, 45 and 46 currently stand rejected for allegedly being anticipated by the

subject matter disclosed in U.S. Patent 6,215,894 to Zeleny (hereinafter "Zeleny").

Claims 1 and 45 have each been amended to include the feature of claim 3, which was not rejected in view of Zeleny. As such, the anticipation rejection of amended claims 1 and 45 is moot, and amended claims 1 and 45, together with their respective dependent claims 2, 6-11 and 46, are in condition for allowance and should be passed to issuance.

8. Claims 1-11, 45 and 46 currently stand rejected for allegedly being anticipated by the subject matter disclosed in U.S. Published application 2003/0177380 to Woods (hereinafter "Woods").

Claim 1

Amended claim 1 recites a carrier medium for analyzing an analyte. The carrier medium includes:

> "at least two defined regions, to each of which at least one substance is applied; and
> a code that indicates which of the at least one substance is located in which of the at least two defined regions, where the at least one substance is disposed differently in the defined regions." (cl. 1; emphasis added).

The Official Action contends that "*Woods discloses a device comprising an array holder (2, Fig. 1A), which includes ... a data storage element ('code,' 8, Fig. 1A). ... Woods further discloses a code, which provides scanning procedures, information about the expiration data of the carrier medium, information relating to the storage of the carrier information, reagent data, temperature data, and other useful information about the carrier medium (Paragraphs [0022]-[0025], and [0080]).*" (Official Action, pgs. 8-9).

Upon a fair and proper reading, Woods fails to disclose (particularly in the cited sections from the Official Action – paragraphs 22-25 and 80) the feature of amended claim 1 of "*a code that*

indicates which of the at least one substance is located in which of the at least two defined regions." Woods merely discloses that the data storage element 8 stores static and dynamic data. More specifically, paragraphs 22-25 and 80 of Woods describe the physical characteristics of the data storage element 8, and also describe in detail the static and dynamic data. For example, Woods, in paragraph 23, discloses "*[t]he term 'dynamic data' refers to data that is received and stored during the transport and processing of the array, where such data is received and stored substantially concurrently with the occurrence of the process or stored in 'real time' in regards to the transport and process. In other words, dynamic data is data relating to array events, conditions, occurrences or processes to which the array is subject, where such data is stored or recorded at substantially the same time as the array events, conditions, occurrences or processes happen.*" Nothing in this disclosure relates even remotely to "*a code that indicates which of the at least one substance is located in which of the at least two defined regions.*" as recited in claim 1.

In addition, paragraph 24 of Wood defines the dynamic data in detail: "*[e]xamples of dynamic data include, but are not limited to, conditions or parameters of array transport or delivery or distribution (e.g., temperature, humidity, date and/or time and/or duration of transport, etc., during the transport or delivery or distribution), conditions or parameters relating to an array assay such as an array hybridization assay and/or array scanning processes, (e.g., temperature data, humidity data, identification information relating to external devices such as lot number, part number, manufacturer, etc., gas concentration, duration of processes or steps, reagent data (e.g., manufacturer, stringency, rate of dispensation, amounts, etc.), identification of operator, the number of times the array is scanned, etc.), specific tag or label information, calibration information of ancillary apparatuses, etc.*" Again, nothing in this disclosure describes or suggests the feature of "*a code that indicates which of the at least one substance is located in which of the at least two defined*

regions." recited in claim 1. Instead, the dynamic data in Woods merely relates to the conditions regarding the process for reading the results of the testing that utilized the array holder of Woods.

Finally, paragraph 25 of Woods further discloses that the dynamic data also relates to the manufacturing and post-manufacturing of the array. Again, nothing in paragraph 25 of Woods discloses or suggests a code as recited in claim 1.

As known a 35 U.S.C. §102 rejection requires that a single prior art reference disclose each feature of the claimed invention. Since Wood fails to disclose "*a code that indicates which of the at least one substance is located in which of the at least two defined regions*" it is respectfully submitted that Woods is incapable of anticipating the subject matter of claim 1.

Claim 45

Amended claim 45 recites a carrier medium for analyzing an analyte. The carrier medium includes:

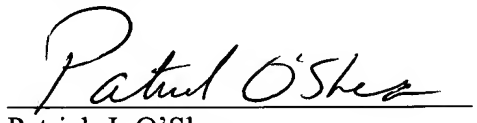
> "at least two defined regions, to each of which at least one substance is applied; and
> a code that indicates which of the at least one substance is located in which of the at least two defined regions, where the at least one substance is disposed differently in the defined regions." (cl. 45; emphasis added).

It is respectfully submitted that claim 45 is patentable for at least the same reasons set forth above with respect to claim 1.

For all the foregoing reasons, reconsideration and allowance of claims 1-2, 4-11 and 45-46 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



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